



## GOVERNMENT OF KERALA

### Abstract

Local Self Government Department - Engineering Wing - Establishment-promotion as Assistant Executive Engineer with retrospective effect-representation submitted Sri. A. Jayaprakashan, Assistant Engineer(retired) disposed of in compliance with the Order dated 28/10/2015 of the Honourable Kerala Administrative Tribunal in O.A. No. 1341/2015- orders issued.

### LOCAL SELF GOVERNMENT (EW) DEPARTMENT

G.O. (Rt) No.2749/2016/LSGD. Dated, Thiruvananthapuram, 27-09-2016

- Read:
1. Representation dated 07/06/2015 submitted by Sri. A. Jayaprakashan, Assistant Engineer(retired), "Rohini", Arathil P.O., Perumanna, Kozhikode, 673019.
  2. G.O.(Rt)No. 1808/2015/LSGD dated 17/06/2015.
  3. Order dated 28/10/2015 of the KAT in O.A. No. 1341 of 2016.
  4. Letter No. E3/1290/2010/CE/LSGD dated 04/11/2015 from the Chief Engineer, LSGD, Thiruvananthapuram.

### ORDER

As per the Order read as paper 3<sup>rd</sup> above, the Honourable Kerala Administrative Tribunal has directed Government to consider and pass appropriate orders on Annexure A5 representation read as paper 1<sup>st</sup> above filed by Sri. A. Jayaprakashan, Assistant Engineer(retired). The prayer in the Annexure A5 representation was that the applicant be promoted as Assistant Executive Engineer with retrospective effect from the date of occurrence of the vacancy and grant all consequential benefits.

2. There was a proposal to grant temporary promotion to the cadre of Assistant Executive Engineers from among the Assistant Engineers and the applicant Sri. A. Jayaprakashan was also included in the list of the Assistant Engineers proposed to be promoted to the cadre of Assistant Executive Engineers. The proposal for temporary promotion had to be examined in detail and in consultation with the advisory departments and hence orders granting temporary promotion to the cadre of Assistant Executive Engineer were issued only on 17/06/2015 as per the G.O. read as paper 2<sup>nd</sup> above and by the time the applicant was retired from service on superannuation on 31/05/2015.

3. Sri. Jayaprakashan A. was not the senior most in the cadre of Assistant Engineers to be promoted as Assistant Executive Engineers. Neither his seniors nor his juniors included in the proposal for temporary promotion were promoted before his date of retirement. His was not a fit case for

extending the benefit of the Circular No. 5328/Rules1/99/P&ARD dated 3/6/1999 since there were a number of seniors to be promoted before his turn. Further, not only Sri. Jayaprakashan but four others included in the proposal were also retired from Service before issuing orders of temporary promotion as per the G.O. read as paper 2<sup>nd</sup> above.

4. It is purely on administrative reasons that the order of temporary promotion could not have been issued prior to the retirement of Sri. Jayaprakashan A., on superannuation. Further, the promotion ordered is temporary promotion under Rule 31(a)(i) of Part II of the KS & SSRs. Such temporary promotion will come into force from the date on which it is ordered and the same cannot be granted with retrospective effect or notionally.

5. In the above circumstances, the prayer in the Annexure A5 representation read as paper 1<sup>st</sup> above is hereby rejected and thereby the direction of the Honourable Kerala Administrative Tribunal contained in the order read as paper 3<sup>rd</sup> above is complied with.

(By Order of the Governor)

V.R.DHILIP KUMAR  
Additional Secretary to Government

To

1. Sri. A. Jayaprakashan, Assistant Engineer(retired), "Rohini", Arathil P.O., Perumanna, Kozhikode, 673019.
2. The Chief Engineer, LSGD Thiruvananthapuram.
3. The Advocate General, Thiruvananthapuram(with Covering Letter)
4. The Accountant General(Audit/A&E), Kerala, Thrissur.
5. The Director, Information Kerala Mission, Thiruvananthapuram.
6. The Web & New Media, I & PR Department.
7. Stock File/Office Copy.

Forwarded/By Order



Section Officer